

CALLING FRANKLIN TO TIME

County Commissioners Want His Resignation as Assessor.

DANGER OF AN ILLEGAL ASSESSMENT

Will Not Reopen Constable Election Case—Halt Wirt Criticism Judge Keyser—Mr. Kaley's Judgment Claim.

At the meeting of the county commissioners yesterday afternoon the following resolution was introduced by Chairman Jenkins and adopted:

Resolved, That the county clerk be and is hereby directed to notify G. F. Franklin, assessor of the Fifth ward for 1896, that he has come to the notice of this board that he has signed a resignation of such office, and require him to transmit the same to the proper authorities, that action may be had by the Board of County Commissioners, otherwise to appear before this board at its next meeting to show cause why his office should not be declared vacant.

Mr. Jenkins said he had been reliably informed that before his appointment as city assessor of weights and measures, Mr. Franklin had placed his resignation in the hands of Mayor Broatch, and the speaker said he thought the whole thing was a sign of a scheme to keep the entire assessment of the Fifth ward by having Franklin appoint his successor and thereby make the assessment illegal.

Commissioner Stenberg denounced the whole matter as an outrage. He said the matter was of great importance to the board, and he favored taking radical action at once. He said there was no question in his mind that the position Franklin now had under the city would require all his time, and it would therefore be impossible for him to give any of his time to the business of assessor. That being the case, he would have no right to appoint or deputize any one to do the work for him. If he should find it necessary to appoint an assistant to help him with the work while he did a portion of it himself, that would be within the intent of the law, but there was no law allowing him to deputize another to do all the work and an assessment made in this way would be illegal. The appointing power was vested solely in the board, and if the assessor could not act he must resign. The speaker said the deficiency this year would be at least \$50,000, and unless a conscientious assessment were made the county would fall far behind. He thought the time had come for the board to assert its prerogative, and he favored taking prompt action.

A license to sell liquor was granted to George Hebebrand at Franklin's park on the Military road. Charles W. Edgerton, who was elected constable of West Omaha, predicted and who failed to file his bond with the county commissioners until "the last day in the afternoon," when he was elected as not such a diligent man in a communication asking that the action of the board be reconsidered. The committee to which the letter was referred reported that there was no need of reconsidering the action of the board should be reconsidered. The opinion from the county attorney was attached to the report. It stated that the bond subsequently filed by Edgerton was not filed within the time required by law and that a vacancy existed in the office.

Ex-Sheriff E. D. Wirt, who was removed by Judge Keyser, submitted a communication to the board tendering his resignation as sheriff. Following the resignation was a lengthy explanation of the reasons for his removal, to the effect that it was in order to allow Judge Keyser to keep an election promise.

On motion of Commissioner Stenberg the letter was ordered returned to the writer, as the board had no jurisdiction in the matter of the sheriff.

A notice was received from ex-County Attorney J. L. Kaley requesting the board to order a warrant drawn in his favor for \$158 in payment of the judgment obtained by Kaley against the county for rent. The notice also stated that the county attorney had taken no steps to appeal the case and it was now too late to do so. Commissioner Stenberg expressed his feelings in a vigorous manner and said it was an outrage that the county attorney had not had paid for another appeal. He said the county should supply offices for county officers and furnish them. In the future claimed by the committee to be necessary Mr. Stenberg said there was a telephone and he thought the case should be taken to the supreme court to be decided. The county ought not to be compelled to furnish baths and other luxuries, as well as telephones. The communication was referred to the judiciary committee to see if it was not possible to secure an order of court allowing an appeal to be taken.

J. M. Connessman, chairman of the Fifth Ward Improvement club, submitted a communication embodying recommendations adopted by the club relating to the assessment of real and personal property. It was referred to the county clerk to present to the assessors at their meeting next week.

G. P. M. ELECTRIC LIGHTED, STEAM HEATED, SOLID REFRIGERATED, Omaha, Chicago, Limited, via the "Milwaukee." F. A. Nae, general agent, George Haynes, city passenger agent, city ticket office, 1524 Farnam street.

Approves of the prediction that the world was to come to an end last Sunday, but demoralized by coming into contact with another planet, comes the announcement that Rev. Jacob Flook of this city, in his lecture Tuesday evening last, at the Hillside Congregational church, will prove to his audience the exact location of the Garden of Eden, explain the flood, and tell all about the first inhabitants of North America. As the comet did not strike this part of the earth (Omaha) on which we live, it will now be in order to learn more of our first ancestors, and where they lived.

Our new improvement of spring suitings now in. G. A. Lindquist, 316 S. 15th st.

McKinley Committee Notice. The McKinley executive committee has decided to meet at the Millard hotel, Monday evening, at 7:30 p. m. sharp.

D. H. WHEELER, Chairman. M. H. REDFIELD, Secretary.

AK-San-Ben Cycle Co. have Morand's academy for a riding school, and have the only "Self Instructor" in Omaha. You can learn to ride in 2 to 3 hours. You can't fall. Come and see them.

An Hour Ahead. The Flying Northwestern Line trains to Chicago. "No. 2," "The Overland," Omaha 4:45 p. m. Chicago 7:15 a. m.

OMAHA-CHICAGO SPECIAL. Omaha 5:45 p. m. Chicago 8:45 a. m. Modern art had to stop a while after these trains were built. City ticket office, 1401 Farnam street.

Hamilton Warren, M. D., eclectic and magnetic physician, special attention to diseases of women and children, and all obscure and long standing diseases. 119 N. 16th street, room 2.

The stock of hardware at 410 N. 16th is rapidly being reduced. Now is the time to buy, while it is complete. No profit asked on any article. A. M. McCargor, agent.

Why don't you take riding lessons from the "Self Instructor" Co.? They have the only "Self Instructor" in Omaha. You can't fall, and can learn to ride in two or three lessons. They have Morand's academy for their riding school. Don't let a bicycle or take a lesson in riding until you see them.

Carpet Cleaning works, 1521 N. 20; tel. 1569.

IN THE HANDS OF THE JURY.

Case of Barney McGinn Submitted Last Evening.

The introduction of evidence in the McGinn case was closed at 11:30 o'clock yesterday morning. McGinn is charged with murder in the first degree for shooting Edward McKenna on Saturday, July 29, 1893, on Twenty-fourth street, immediately north of Ames avenue. McKenna was shot in the abdomen, and died about noon of the Monday following.

The trial was commenced last Monday morning, and a jury was secured at noon of the second day of the trial. The leading theory of the defense has been that the death of McKenna was not caused by the bullet fired by McGinn, but was due to the bungling of the doctors who attended McKenna, and that McKenna would yet be alive if he had been left alone and without medical or surgical treatment. A large number of surgical experts were called on both sides of the case. In Mr. Jeffers, assistant county attorney, making the introductory, he was followed by Mr. E. W. Stenberg, who presented the case in the order named, and the case went to the jury last evening.

Dr. R. M. Stone was called at the opening of the case to introduce the testimony of the medical experts. The deposition of William Yoh, otherwise known as "Billy, the Whittier," the doctor testified that Yoh was mentally weak and that he remembered a conversation on any subject, and was not at all reliable. On cross-examination the doctor admitted that he had told Mr. Mahoney, one of the medical experts, that he was the first trial of the case, that Yoh could testify to a conversation with McKenna regarding McGinn and would make a good witness.

The doctor also testified that he had seen McKenna on "Wyeth's Surgery," relating to wounds in the abdomen and intestines, resulting from pistol shots and the diagnosis of such wounds.

Andrew Lawlor was called in rebuttal to testify as to the reliability and competency of William Yoh. He testified that Yoh had worked for him some time and he had always regarded him as a man of average intelligence and reliability.

J. W. Carr was called to rebut this testimony. He testified to incidents during business and friendly relations with Yoh, which he regarded as strongly indicating that Yoh was subject to fits of mental aberration and was not at all fit to be reliable and intelligent.

DOMINANT SEVENTHS.

Few people have started out with such success as has followed the Jenny Lind quartet, and it is with regret that we notice a farewell concert to be given Miss Ingeborg Loggreen, alto of the quartet, at the Young Men's Christian association hall on Monday evening.

The management promises an event of unusual importance in concert circles, as the quartet will be assisted by the leading artists, choral and quartet of Omaha.

Mr. Taber will play a request program at his forty-sixth organ recital this afternoon at 3:30 p. m. in the First Congregational church. The ever popular serenade by Czibulka will be played for the last time this season. The program is of an exceptionally fine and popular music, and will, no doubt, be considered the best one given so far this season. It is as follows:

PART I.
(a) Romance.....Lemmens
(b) Abandoned.....Schumann
(c) Romance.....F. Schoppe
(d) Offertory.....St. Cecilia.....Wagner
(e) Offertory by the audience.

PART II.
(a) Pilgrim's Chorus.....Wagner
(b) Andante.....Lemmens
(c) Andante.....Schumann
(d) Andante.....F. Schoppe
(e) Andante.....Mendelssohn
(f) March from Tannhauser.....Wagner

The following will be the order of the musical program at St. Mary's Avenue Congregational church tomorrow night:

Organ Solo—George Ryan, H. Allen Hymn 180—J. H. Allen
Gloria—The Father, etc.—Congregation
Benediction—St. Cecilia
Contralto Solo—The Birthday of the King
King—Minnie Rath-Winn of San Francisco
Hymn 580, 1st, 2nd and 4th verses.....All
Cantata Solo—O Rest in the Lord.....All
Cantata Solo—(Edith) Mendelssohn
Offertory—Organ—H. H. Allen
Bartone Solo—Jerusalem.....Gounod
Closing Hymn—182, last verse, Congregation
Recessional—Organ.....H. H. Allen

The first rehearsal of the Cummings' Banjo and Guitar club was held at Weber's hall Thursday evening last.

Tuesday evening the Ancient Order of Hibernians will give an entertainment for the benefit of the Home of the Good Shepherd. The program is:

Medley—Irish Airs.....Arr. Sutorius
Choir—George Ryan, H. Allen
Quartet—Believe Me All Those Endearing Young Charms.....Moore
Miss Brown, Mrs. Lange, Captain Kinzie, Mr. Lumbard.
Soprano solo—Colleen Dhas Crootha na Moe
(Harp accompaniment by Miss Lowe.)
Recitation.....Mrs. Elita Matheson.
Basso solo, Pirate song—Hore Upon My Vessel's Deck.....Miss Brown.
Selection.....Mrs. Jules Lumbard.
Soprano solo—Katie McLaughlin.
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Address.....Miss Brown.

Contralto solo—Erin, the Tear and the Smile
Tenor solo—The Minstrel Boy.....Shelly
Harp Solo—George Ryan, H. Allen
Quartet—Oft in the Still Night.....Moore
Miss Brown, Mrs. Lange, Captain Kinzie, Mr. Lumbard.
Accompanist, Prof. Sigmund Lundberg.

AK-San-Ben Cycle Co., 219 S. 15th st., rent the best wheels in Omaha. See them. They do the best repairing and sell sundries.

ONE DAY'S GRACE.
For Reasons Below Explained a Last Opportunity Given.

Although the notable introductory distribution of that great reference library, the New Encyclopedia Dictionary, was announced to close yesterday, the syndicate has, for reasons below explained, decided to allow one day's grace: thus extending the closing to Monday night, March 16, at 10 o'clock.

The fact is there are always those who defer every thing they know to be a duty to themselves and families. This is especially true of busy men, and will apply in this notable instance. Many others, especially ladies, who were doubting as to whether the threatening weather, in justice to those who really meant to apply in time, but could not, and to accommodate others, who, for good cause, had been thus far prevented from calling, the distribution will be continued one day more, positively closing tomorrow, Monday night, at 10 o'clock.

In the district court yesterday Bradley and DeLamater, attorneys, brought suit against James and Martha Ish, claiming a balance of \$9,500 due as attorney fees for defending James Ish at the time when he was charged with the murder of W. H. Chapple.

The best bicycles in Omaha will be found at the AK-San-Ben Cycle Co. Don't miss seeing them.

Precious Metals. The great mining camps of Cripple Creek, Colo., and Mercur, Utah, as well as those of Wyoming, Idaho and Montana, are being reached via the Union Pacific.

The fast time and through car service on "The Overland Route" are features appreciated by all. For information regarding the above camps call at 1502 FARNAM STREET.

Dr. Wilson, dentist, moved to Brown bldg.

AMUSEMENTS.

If it were not for the custom, widespread among metropolitan journals, of reviewing in their Sunday issue the week's course of events at the theaters, there would be little occasion to live over again in these columns the seven days which have just been added to the past. In this case, if ever during the present year, the custom would be more honored in the breach than in the observance.

We have had a full week of 30-cent entertainment by the Woodward Theater company at Boyd's, and half of the same period of time occupied by Katie Emmett at the Creighton. It is not one's intention to make any comparison of the merits of these two attractions, but the legend of the disparity of attendance might have been read even by the man who had been in the theater in the week. Miss Emmett, who had fair at one time to achieve a reputation second only to that borne by Kate Claxton some years ago as a destroyer of play houses by fire, got clear of the town without causing Manager Burgess further loss than that occasioned by light business, and without injury to herself from the attack of illness which took her out of the cast on Wednesday night, and did not thereby better the performance.

For the cheap show at Boyd's it may be said that the entertainment provided was in every case worth the price of admission, and lest this should seem a damnation with faint praise, one is willing to go further and admit the performance merit to the extent of twice or three times the modest tax imposed at the entrance. While many of the more aristocratic supporters of Boyd's theater may deplore the introduction of such very cheap attractions within its once sacred walls, there is no doubt that the public, outside of the bondholding contingent, was glad of the opportunity of seeing at the not exorbitant price of a dime, at least the unprecedented crowds which jammed the theater from front to back on every occasion would seem to furnish evidence of appreciation.

Now that the wild rumors of changes in money, he testified to incidents during business and friendly relations with Yoh, which he regarded as strongly indicating that Yoh was subject to fits of mental aberration and was not at all fit to be reliable and intelligent.

A new light has dawned in the dramatic world of Omaha in the person of Miss Helen May North, a talented young actress, who has been obliged to leave her native city on the stage, owing to the death of her mother. She is the daughter of J. E. North and is a Nebraska worthy of honor.

She made her debut with Ramsey Martin at Montreal, the play being "Joseph." Since then she has played many parts and her recent work was an engagement in which she played star parts jointly with Miss Blanche Booth, niece of Edwin Booth.

The simplicity of Miss North's manner will win for her many friends and with her comely stage presence and her sweet voice she will undoubtedly establish herself as a favorite for concert programs and artistic affairs in the city.

Boyd's opera house was comfortably filled yesterday afternoon with a music-loving and appreciative audience. The program was Sousa's magic charm. At the first glance at the program one could not help but feel somewhat disappointed, but after the first number had been played and Sousa's music fully responded to encore after encore, the audience was more than satisfied, and the enthusiasm increased as the program advanced.

Especially worthy of mention was the grand Fantasia-Siegfried by Wagner, and scenes from Faust by Gounod. However, one always appreciates most what one is familiar with, and Sousa's marches received well merited applause.

Miss Myra French, who has a sweet soprano which is true and sympathetic, sang "L'été," by Chaminade, very charmingly.

Miss Currie Duke, the charming young violinist, who plays with such feeling, was heartily applauded after her rendition of Hungarian rhapsody by Hauser, and as an encore played "Love's Dream After the Ball."

The enthusiasm solo by Signor Simone Mantia, received merited applause, and as an encore he gave "Sing Au Revoir, but Not Goodbye."

John Philip Sousa was on a grand triumphant march last night. Boyd's theater was filled with an enthusiastic, even clamorous audience, and the program was a rare one for a band program, and was carried out excellently in every detail. Encores were given to the music and were greeted graciously by the suave and elegant conductor.

The soprano soloist betrayed a slight feeling of uncertainty, but she possesses a beautiful voice and sings well, as an encore she sang "Ben Bolt." Miss Currie Duke is a violinist of considerable ability. She has been heard here before and was well received.

The Swedish singing society, Norden, gave a concert at Washington hall last night which deserves to rank among the most creditable local musical events of the season. It was one of the best entertainments ever given by the society, and nearly every number on the rather long program was received with marked appreciation.

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well received. Arthur Pryor, trombone soloist, made his annual list of the season. Conspicuous among the encore numbers of the band may be mentioned the Paderewski minuet, which was excellently arranged and played. The Thurston Rifles March, by Dobby, was played, and repeated in response to a vigorous encore.

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you, Tom Keene—brother Tom, you are the fellow that did it." The roof seemed to go up with the applause and it was fully two minutes before the "poet scout" could speak another word. The following extract from Mr. Keene's letter to Captain Jack explains itself.

"I cannot tell you how pleased I was in hearing to your talk on the rostrum—so new—so novel—so interesting—so full of genuine American character—so unique and withal, so intensely dramatic. Your true and stirring stories of the west are quite a lesson to the people of the east, and only one who has been a participant therein can tell them as you do.

"Go on in this work, my dear Jack, for I candidly think that you are the right man in the right place. With all good wishes to you and yours, believe me to be sincerely yours, THOMAS W. KEENE."

"Si Plunkard," presented by J. C. Lewis and a competent company, will be the attraction at the Creighton for five nights, commencing with a popular priced matinee today, when the haps and mishaps of the young Yankee peddler will furnish amusement to the lovers of exciting situations and amusing specialties. The characters of the play, especially the principal ones, are not greatly overdrawn from real life, and that makes the fun genuine and hearty. Mr. Lewis is the author of the play, and he did not draw entirely upon his fertile imagination for the character and plot. "Si Plunkard" is the story of an unsuspecting, simple old farmer being defrauded by a clever sharper from the city. J. C. Lewis appears in the character of the traditional downriver, "Si Plunkard," whose chief reason for being is to serve as a foil to the conventional villain.

The sensational feature presented are a full working threshing machine, a thrilling railroad introduction, including a locomotive and a train of cars 150 feet in length, pass across the stage at lightning speed, presenting all the sensational effects of a train of cars, the county fair, scene, a realistic scene at a county fair, and many other catchy novelties. The company includes a number of local favorites.

Not the least attractive feature in the amusement horizon is the "Arion Ball," which is to be the drawing card at Creighton hall, Saturday, April 11, and which is announced to be the masquerade of the season. It will be conducted by several well known people, who are making every effort to ensure its social as well as financial success.

The Frawley company is the coming attraction at the Creighton, where it will give a week's engagement Sunday night, March 22, presenting the successful productions, "Men and Women," "Lost Paradise" and "The Senator." The company includes prominent players and the organization as a whole occupies a prominent place in theatrical circles.

Never Mind the Cash

If you buy a wheel of us you get the benefit of the lowest cash prices—and still have all the time you want in which to pay the bill. We give credit on bicycles solely as an accommodation to our patrons.

A Small Cash Payment....

and a little money weekly or monthly secures you an up-to-date wheel of any particular. Come in and examine the merits of our wheels. We have them for men, women and children, and from \$75 down to \$20.

The 99-Cent Store. 1319 Farnam Street.

AMUSEMENTS.

THE CREIGHTON 5-NIGHTS-5 COMMENCING MATINEE TODAY, 2:30. TONIGHT AT 8:15. The Young and Talented Yankee Comedian

J. C. LEWIS, and a Select Company of 20-TALENTED ARTISTS-20 In his laughable Yankee Comedy.

"Si Plunkard" OUR GRAND GALAXY OF NOVELTY STARS Headed by the Great Child Wonder, LA PETITE FREDDY, In his Wonderful Performance.

SEE THE GREAT R. R. SCENE THE THRILLING MACHINE SCENE THE COUNTRY FAIRSCENE